IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6310 OF 2005

Chitra Narayan Doyale ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

....

Mr.R.K.Mendadkar with Ms.H.K.Mandlik for the Petitioner.

Mr.C.R.Sonawane, AGP for the State.

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CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

23rd September, 2005.

P.C. :

1. The sole challenge as urged by the Petitioner before this Court is that she did not have sufficient opportunity of placing her case before the Committee. Pursuant to the claim of the Petitioner being referred to the Committee, a vigilance enquiry was conducted. From the order of

the Caste Scrutiny Committee, the following emerges from the report of the vigilance officer :

i) The school entries in respect of Applicant's cousin, real brother and real sister pertaining to Pre-Constitutional periods are found to be Koli.

ii) The traits, characteristics, customs etc. do not match with those of Mahadeo Koli, Scheduled Tribe.

2. The report of the Vigilance Cell was made available to the Petitioner along with a copy of the report. She filed a reply. She was also asked to appear for personal hearing. On perusing the school record, the Committee found that the Applicant's brother was born on 1st December, 1947 and admitted to the school on 8th June, 1954 and the caste was shown as Koli. The Applicant's sister was born on 1st June, 1946 and admitted to the school in 1954 and her caste was also Koli. The Committee held that these entries have got highest probative value. Similarly, the Committee found that the Applicant's cousin's caste was also

entered as Koli in the year 1947. It is also noted in the report of the vigilance cell that the Petitioner was unable to satisfy based on the traits and characteristics that the Petitioner belongs to Mahadeo Koli Scheduled Tribe.

3. Learned counsel was also unable to show us any document which would rebut probative value of the document in so far as the brothers and sisters are concerned. Learned counsel only relied on the Petitioner's own certificate and certificate of another brother which was in the year 1970. Considering the earlier documents and the traits and characteristics which the Petitioner has been unable to satisfy, we do not find that the order of the Committee suffers from any error apparent. Also the Petitioner has been unable to produce before us any documentary evidence which would have the effect of disputing the document already on record if we were to remand the matter back to the Committee for reconsideration. For all the aforesaid reasons, this is not a fit case for this Court to exercise the extra-ordinary jurisdiction. The Petition is rejected.

(F.I.REBELLO, J.)

‘ (DR.D.Y.CHANDRACHUD, J.)